

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 14, 2010

Chairman David Pruet called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Casasanta
Commissioner Hall
Commissioner Pane
Chairman Pruet
Commissioner Aieta
Commissioner Lenares

Commissioners Absent

Commissioner Camerota
Commissioner Schatz
Commissioner Carragher

Staff Present

Ed Meehan, Town Planner

Commissioner Lenares was seated for Commissioner Schatz and Commissioner Aieta seated for Commissioner Camerota.

II. PUBLIC HEARINGS

A. Proposed DRAFT 2020 Plan of Conservation and Development Draft #3, Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from March 24, 2010.

Chairman Pruet: Is there anyone from the public wishing to speak for or against or on the Plan of Development? Okay, I'd like to just, for the record, state that on April 27th, at the next town council meeting, the Town Planner and I will be presenting the changes to date to them at that time, and also on the following day, on Wednesday, at our regularly scheduled TPZ meeting, I'll be doing the same thing for the public, so there will be two opportunities for the public to address their concerns at these venues.

B. PETITION 06-10 – 425 New Britain Avenue, Unit A, Rotundo Enterprises LLC owner, Burim and Elmedina Hasani 75 Seymour Street, Bristol, CT 06101 applicant, Request for Special Exception Section 3.11.6 Restaurant use, B-Business Zone District.

Chairman Pruet: Is the petitioner here. Would you come forward please and to the microphone, please state your name and address for the record.

Commissioner Lenares: Mr. Chairman, I'm just going to, for Petition 6-10, as well as actually 7-10 recuse myself from the petitions due to the fact that I am an abutting neighbor.

Chairman Pruett: Thank you. Good evening.

David Puckers: Good evening, for the record, David Puckers, architect, from Southington. I represent Mr. Hasani, Mr. & Mrs. Hasani in their application for a special exception, Section 3.11.6 for restaurant use. This is, I have extra copies of the plan if anyone needs it, I see that you have it in front of you. This is an existing building that contains four businesses in it right now, one of which is no longer in business, which is the tanning salon. The space is approximately a thousand square feet, gross area, including exterior walls and is going to be used exclusively as a take out pizza restaurant. The public area comprises of just under two hundred square feet. It will be primarily kitchen and storage, it will just barely fit the kitchen equipment in there that is necessary for a properly prepared pizza and sandwiches. We are showing on a plan one table. It is primarily for people to wait for their orders to be completed. It is not the intent of the applicant to turn this into a sit down restaurant. There is just insufficient room to do so. If there are any other questions regarding this? I believe, I looked at the regulations for parking and I believe that we are well within the parking regulations. Twenty spaces per thousand square feet of public area, being that we are below two hundred square feet, that comes down to approximately four parking spaces. The tanning salon that was there, being a business required six parking spaces, so there is actually more than what we require.

Chairman Pruett: Thank you, Ed, staff comments?

Ed Meehan: Thank you. I did similar calculations for the public area which drives the parking need for this location. I calculate approximately 190 square feet of public area, as you come in, I believe it was 21 by 9 at the table area there. Under your regulations that would require, at twenty spaces per thousand, the ratio works that down to about four spaces, 3.8, say four spaces are needed. When this building was designed, it was designed essentially as a retail use. The building is small, the total building is about gross square footage is about 3700 square feet. I have a copy of the parking table and site plan on the Commission's place at the table. It was calculated based on net retail area because of the storage facilities in the back of this building. So I would concur with the applicant's representative that this use, at net retail area of about 620 square feet would require somewhere around six spaces, so at four spaces for the public area, and maybe a couple of extra spaces for employees, it would be pretty much equal to a retail operation with a similar use. I know, and I think that I spoke with the applicant, I asked a couple of questions, if it's not take-out, it is going to be a delivery service, what is the anticipated traffic in and out of here, if he's going to have a driver in and out, the other things that I think would help the Commission members are hours of operation and, is this located on the far west side of the building? I'm trying to get my bearings here.

David Puckers: Yes, it is on the west side.

Ed Meehan: Okay, the vacant space on the west side, but I think the hours of operation are important for the Commission to know and perhaps neighbors as well as the driver delivery operation.

Chairman Pruett: Can you comment on that aspect of the business? Can you come up and comment on that?

Burim Hasani, 425A New Britain Avenue: The hours will be eleven o'clock to ten o'clock.

Chairman Pruet: Seven days a week?

Burim Hasani: Six days a week, Monday closed.

Chairman Pruet: What about take out service.

Burim Hasani: Take out service will have only one driver and will have only one table, small table for the people who are waiting. That's about it. It's not a big restaurant you know, it's small. I have two other locations like that, the same thing.

Chairman Pruet: How many other locations?

Burim Hasani: Two.

Chairman Pruet: Two, okay. Ed, any other questions you might have.

Ed Meehan: No I don't.

Chairman Pruet: Commissioner comments?

Commissioner Aieta: I think we have to look at, not just this application, but we have to look at the overall building. There's nineteen parking places for this building. Just with the number of employees take up, I'm not saying this particular thing, I think this building doesn't have enough parking for what they have there now, let alone put in a restaurant. The parking doesn't work there. My wife, there is a nail salon there, she stopped going there because there is no place to park. There's no place to park, so she doesn't go there any more. There's, if you go by the number, nineteen parking places, you go just by the number of employees, that those four businesses that are in there now have, you fill up eighty, ninety percent of the parking places. To add another four or five, plus a delivery parking, it doesn't work. This site does not work. I don't care what the regulations say, so many parking spaces per square foot, it doesn't work because I have seen it myself. I've been there several times at peak hours and there is, the nail salon has four or five employees, the hair salon has three or four employees, there is a tattoo place, they have three or four employees, you ate up all of the parking right there. It's so bad that they are parking in the fire lane on the west side of the building. There's a fire lane there, stripped, designated as a fire lane, and there's not enough parking and the employees are parking in the fire lane. So it does not work. The parking does not work on this site. It's not a reflection on this applicant, it's a reflection on the realities of the businesses and the number of employees I think they have are taking up more of the parking places, only nineteen and one of them is a handicapped spot.

Chairman Pruet: Ed, is it possible to do a review of that existing building and see if it complies with our original site plan and regulations of what we put in there?

Ed Meehan: Yes, certainly. I was going to recommend to the Chair that you keep this hearing open, because of a mix-up on the posting of the sign at the proper time, so that would continue it with your approval until your meeting on April 28th so we can do that review and also some observations as far as what one of the Commission members is saying about parking there.

Commissioner Pane: Was there a sign placed out in front?

Ed Meehan: Not in time.

Chairman Pruet: Any other Commissioner comments on this petition? Okay, you heard about the regulation on the sign. We are going to keep this open and review this parking issue. We will see if there is anyone from the public who might want to speak on this. This is a public petition. Does anyone from the public wish to speak for this petition? Anybody from the public wish to speak against this petition? Thank you.

C. PETITION 07-10 – 451 New Britain Avenue, Unit F, Newington 451 owner, Peilin Lu 30C Nanel Drive, Glastonbury, CT 06033 applicant, Request for Special Exception Section 3.11.6 Restaurant use, B-Business Zone District.

Chairman Pruet: Is the petitioner here? Would you come forward please and state your name and address for the record.

Robert Stauffer: Good evening, my name is Robert Stauffer, owner Newington 451 LLC.

Peilin Lu: My name is Peilin Lu, 11-30C Nanel Drive, Glastonbury.

Robert Stauffer: Mr Lu is attempting to open a sushi type restaurant in our plaza, unit F, nine hundred square feet. I actually don't have the drawing with the dimensions on it, so I don't, I spoke with Ed and I think Ed has the square footage of the seating area.

Ed Meehan: The Commission members have that.

Robert Stauffer: Is there an extra copy that I could refer to? Thank you, sir. The seating area that we are talking about is approximately 15 x 22, probably about three hundred square feet. It could be shrunk down to even less or if we had to eliminate one table and set of chairs, that would be fine as well, but the previous restaurant that was in here, was open about a year was approved by this Commission to have fifteen seats, and for some reason, in talking to Ed, the Special Exception was granted for that restaurant but was not transferable or assignable to another food service so basically we are going for a similar type set-up in here, actually less seats and for some reason it wasn't carried over into this, for this gentleman, that's why we are here. So, if you refer back to when Rice and Things was there, he had about 340 square feet, number of tables not to exceed four with four chairs each which was sixteen, we're saying we would like to get four stools at a counter. If you have ever been to a sushi set-up, the counter type set-up, and then of course we are looking at two tables with four chairs each and there is more than enough room to accommodate that, and then again, this restaurant is going to be primarily take-out. Although people may want to go and get a quick bite and leave, it's going to be mostly take-out.

Chairman Pruet: What are your hours of operation?

Peilin Lu: Eleven to ten.

Chairman Pruet: Seven days a week?

Peilin Lu: Probably six days a week.

Chairman Pruet: Okay, any delivery service, or just strictly take-out?

Peilin Lu: Just take-out.

Robert Stauffer: It's a take out business, I mean, things could change as time goes on, but the, this is being presented as a take-out business, not like a pizza delivery concept.

Chairman Pruett: Staff comments?

Ed Meehan: Yes, this is actually the third, could be the third restaurant occupant of this space. In 1995 the Commission approved a Special Exception for a restaurant called Roaster Poultry, which was the same unit, it goes by unit five or unit F, depending on how the applicant titles it. The public area for that use was about 330 square feet, it was a 900 square foot area. That was issued a Special Exception and the language for that was limited seating inside and the Special Exception was not transferable. In 2007 Rice and Things came in and they took over that space and they received a Special Exception, sixteen seating capacity, 340 square feet open to the public, and the same criteria, the Special Exception was not transferable to another restaurant. In other words, any new restaurant had to come back before you to take another look at it, and that is why the applicant is here before you tonight because their layout and square footage for the public versus restaurant preparation is the same two prior occupants of this space. The parking pretty much works out as a wash between the use as a retail versus a public restaurant seating area because of the small size of the public seating area only being 330 square feet. The plaza as we counted it has, I think it was twenty-seven parking spaces, they may have gotten an extra one or two in back by the dumpster, the site plan I think said twenty-six but they might have gotten another one or two....

Robert Stauffer: Two.

Ed Meehan: Two back there, so they have twenty-eight spaces.

Robert Stauffer: Twenty-nine.

Ed Meehan: Twenty-nine? So this unit F, at the far west end has had a turnover in restaurant uses but they haven't been, that I am aware of, problems in overloading the site as far as parking.

Chairman Pruett: Thank you. Commissioner comments?

Commissioner Aieta: How does this fall in with the hair dressing school that we just approved for this location, next door, how does that fall in. When they came in they were talking about using 7-11 as an overflow parking lot. How does this fall in with that?

Ed Meehan: Originally when Sculptures was thinking of operating this location as a full blown training area, they did talk to the neighbor at 7-11 because they thought their classes were going to perhaps overburden this site. They since switched gears and they have a limited, this is what they are telling us, they have a limited class size there of two or three students throughout the day, and they are focusing on their Brockett Street location, which they are ready to move into, if they haven't moved in already. So that is where the majority of their regular clients who used to go to New Britain Avenue for hair styling now go to Brockett St.

Commissioner Pane: But the school can't go over there.

Ed Meehan: The school can't go over there but the people, clients are going over there.

Chairman Pruett: Do they still do hair cutting, styling.....

Ed Meehan: Limited, not as much as they used to.

Chairman Pruett: Further Commissioner comments on this petition?

Chairman Pruett: Okay, I'll call on the public now, you can take a seat, and since it's a public petition we are going to ask the public to speak on it. Thank you. Anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? What is the pleasure of the Commission on keeping this open, or pushing it up the ladder?

Ed Meehan: I just want to respond to Commissioner Aieta's comment. I have a copy of the Special Exception that was issued for Sculptures, I had it as part of the packet. The Special Exception limited to training for not more than five students at any one time.

Commissioner Aieta: Do you think that this would work, in your opinion, does this work?

Ed Meehan: I think it will.....

Commissioner Aieta: It's another tight site with limited parking.

Ed Meehan: It's a tight site and.....

Commissioner Aieta: It's a lot better than the other site, but it's still.....

Ed Meehan: What I think happens at this site, and it may have to do with the hours of operation of the various other tenants, I think the prior restaurant use, either because the business volume was low or they didn't clash with other business hours seemed to work okay. The bigger, the biggest demand for parking was coming from Sculptures, which was parking for forty-five minutes to an hour. So with that out of there, parking could even work better.

Commissioner Pane: It's really not out of there though because up to five students and those five students are going to work on five customers.....

Ed Meehan: No, they don't.....

Commissioner Pane: Yes they do.

Commissioner Anest: It's not going to be continual.

Robert Stauffer: It's still far less than what they have had.

Commissioner Pane: They do, the hairdressers work on customer's eventually, Ed. How else do you think they get the training?

Ed Meehan: Well, I don't know how they get their training, but.....

Commissioner Pane: They work on customers, so they have to have to work on customers, don't make it seem like there is nobody going to be parking over at Sculptures.

Ed Meehan: Well, I can read to you what John DeDominico put into the record, "students will attend the school from 9:00 to 4:30, they will occupy two parking spaces throughout the day, they will have theory and classroom for two hours each day and the rest of the day they will be in a section of the salon used only for training on mannequins and potential clients. They have lunch rooms and lockers for their belongings, the program is approximately 1500 hours as required by the State Department of Health. It's a nine to ten month program for those attending full time." They talk about handicapped bathrooms, and so forth, that is what he put

into the record and as a result of that, that is when the Commission, probably based on his information, limited it to five students.

Robert Stauffer: Can I make a comment about the rest of the plaza? The occupants. Tenants A, B, and C in the plaza, one is an acupuncture, she's by appointment only, it's a single woman that runs the operation, so it's not like she has three or four going at once. The second occupant is All-State. It's just a mom and pop operation, it's husband and wife who drive in together, and they normally have only one customer at a time, maybe sometimes two. It's a very small one office operation. The European Skin Care which, with Tina Sadaka, she's by appointment only there and she does some at night, some early in the day, but it's not where people are sitting in the lobby waiting for her. So it's very low volume with those operations. 7-11, I talked with the gentleman a number of times, he seems very easy to work with, right adjacent to Unit F there are five spaces there that he said, people are going to come in quick, go out, no problem. So, it's a verbal thing, word of mouth but those spots are never occupied in that 7-11 and I'm over there all different times of the day.

Commissioner Aieta: We can't take that into consideration.

Robert Stauffer: I understand that. I believe that there is on-street parking on that first street.

Ed Meehan: It wouldn't be good to park there, you're too close to the corner.

Chairman Pruet: Okay, thank you. Any further comments?

Commissioner Aieta: Fortunately the uses that he's talking about, what he says is, I'm familiar with the area, that's true. The uses that he has there today are low parking requirement uses, but that could change at any time, so if you feel that, the Town Planner feels that it works there, on their own site, you can't start designating parking somewhere else off the site, if you feel that it works, then, unfortunately, I'm not trying to be hard about this but what happens is that when you allow people to open businesses when they don't have the required parking, they don't last because people won't go there because there is no place to park. It's a reality of life. You overburden it and maybe that's why some of these places haven't worked out here or other places where it is real tight parking.

Chairman Pruet: Good point.

Ed Meehan: I think that's why the Commission limited it to a specific tenant and not make it open ended, transferable.

Commissioner Aieta: So this is not, it is good that they weren't just able to come in and say, well, we had a Special Exception before, this does not travel with the property, it's for the specific tenant that comes in which is the way it should be.

Chairman Pruet: Any objections to closing this petition? Okay, we are going to close that petition sir, and we will kick it up for the next meeting.

Robert Stauffer: Does that mean that we have to come back again, or.....

Chairman Pruet: Yes, you will be coming back.

Commissioner Aieta: We won't be making the decision tonight.

Ed Meehan: There is no further public hearing.

Chairman Pruet: Right, there's no further public hearing. It will come under Old Business.

Commissioner Pane: You don't necessarily have to come back, but we will be maybe taking action.

Chairman Pruet: So we will be voting on it next meeting.

Commissioner Lenares returned to the table.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

March 24, 2010 – Regular Meeting

Commissioner Casasanta moved to accept the minutes of the March 24, 2010 Regular Meeting. The motion was seconded by Commissioner Anest.

Commissioner Pane: Mr. Chairman, I'm going to abstain because I wasn't here but let the record know that I did read the minutes very thoroughly.

The vote was favor of the motion, with six voting YES and one abstention (Pane.)

V. **COMMUNICATIONS AND REPORTS**

Ed Meehan: I have nothing at this portion of the agenda.

VI. **NEW BUSINESS**

- A. **PETITION 05-10** – The Hidden Vine Restaurant, 1052 Main Street, (rear) Motta Investments owner, Salvatore Motta 12 Cumberland Place, Rocky Hill, CT 06067 applicant, Request for seasonal outside dining, Section **3.11.6**, B-TC Zone District.

Chairman Pruet: Is the petitioner here? I don't see Mr. Motta.

VII. **OLD BUSINESS**

- A. **PETITION 4-2010** – 3320 Berlin Turnpike Global Granite GGM Properties, LLC owner Rocco Christiana 3320 Berlin Turnpike, Newington, CT 06111 applicant, request for Special Exception **Section 3.19.1** Place of Recreation Dance Studio, PD Zone District. Public Hearing closed March 24, 2010, sixty five day decision period ends May 28, 2010.

Commissioner Aieta moved that **PETITION 4-2010** – 3320 Berlin Turnpike Global Granite GGM Properties, LLC owner Rocco Christiana 3320 Berlin Turnpike, Newington, CT 06111 applicant, request for Special Exception **Section 3.19.1** Place of Recreation Dance Studio, PD Zone District, be approved based on the applicant's testimony at public hearing, March 24, 2010 for dance studio use limited to units B and C.

Dance studio hours of operation shall be 10:00 a.m. to 4:30 p.m. private lessons and 4:30 p.m. to 10:30 p.m. class lessons at less than 10 students per unit.

It is a condition of this approval that recital programs shall not be held at this location.

This special exception is not transferable for another place of recreation and assembly without the prior approval of the Commission.

The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ April 28, 2010 and May 12, 2010)

A. Proposed 2020 Plan of Conservation and Development Draft #3, March 24, 2010. Chapter 126 Section 8-23 Continued from April 14, 2010.

Ed Meehan: You have the on-going Plan of Conservation and Development, will carry over 425 New Britain Avenue, the continuation of that public hearing and then maybe an application coming in for a continuation of a pre-existing motor vehicle use, which the applicant is supposed to have a letter for me by tomorrow so I can advertise it.

Commissioner Aieta: Where is that?

Ed Meehan: That is next to Mike's Auto on Pane road, near the corner of Pane and the Berlin Turnpike across from Mr. Sparkle.

Commissioner Aieta: Did he give you an idea of what kind of auto.....

Ed Meehan: The auto use that was there before was Middlesex Truck and Van.

Commissioner Pane: Wasn't it limited too?

Ed Meehan: It was very limited.

Commissioner Pane: Very limited.

Ed Meehan: It was restricted to, although it had a new, used car dealers license from DMV it was restricted to servicing utility vehicles for I think it was CL&P or SNET as well as customer's who wanted to have their trucks or vans customized. No used sales or display of

Commissioner Aieta: Did he give you an idea of what type of use this is going to be? Just auto is kind of vague.

Ed Meehan: I haven't seen his application other than he wanted to know if he could continue and get his DMV license signed and we said you can't get a DMV license signed until you give us a letter saying you are going to follow what is on the record as far as the special permit. So I think he went to start that process and then whoever is going to rent the property from him is going to come back to the Commission and convince you that they can do a different type of auto use there.

Commissioner Aieta: He didn't say if it was auto sales or auto repair?

Ed Meehan: No, I don't think it's, I know it's not auto repairs, I mentioned that and said are you going to compete with yourself and he said no, but I don't know all of the details.

Commissioner Pane: So he is going to try to get the auto.....

Ed Meehan: The restriction pertains to the customizing of the vans, whoever his tenant is wants to, I'm not going to speak for the tenant because I don't know all of the details but if that tenant doesn't continue with the conditions on the special exception that is in place, limited as it is, then to be legal there, he has to come back and go through a new public hearing process with the Commission and describe to the board what he wants to do and see if, and the board would decide whether you feel it is appropriate for that location. If it's used cars, if it's you know, wrecker service, you can do a lot under a used car dealership under the DMV.

Commissioner Aieta: Yeah, that's the question, it could be a whole bunch of stuff.

Ed Meehan: It's a limited site, it's really small. It is deep but it is small and narrow.

Chairman Pruet: It's directly across from the car wash, right?

Commissioner Aieta: It's the first building on the right hand side going up Pane Road after the parking lot, past the parking lot for Best Buy.

Ed Meehan: I know that is out there, but one of the requirements that we asked him to comply with is the, to have him as the owner, that's Mike, and his prospective tenant sign this letter verifying that they are going to follow what is in place right now.

IX. PUBLIC PARTICIPATION
For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Draft 2020 Plan of Conservation and Development (POCD)

Chairman Pruet: Okay, we still have the draft of the 2020 Plan of Conservation and Development, it's still open. As I stated before, I will be presenting what we have to date to the Town Council. They already have draft copies, the library has copies, it's on our web site for the public to see. That will be on Tuesday, April 27th, and the following day, Wednesday the 28th, we will assume the same procedure and roll it out to the public in the Council chambers and take it from there. Anybody have any comments on the 2020 Plan.

Ed Meehan: I think you got a copy of the letter, but for the record, this would refer to Town Council and it went out with their packets last week. I know they are up to their necks with budget, last night was late for them, and tomorrow they vote, so they have it in their packets.

Chairman Pruet: Yes, I spoke to the Mayor and he is anxious to review it and that date looks good for him.

Commissioner Aieta: It's not on the Conservation so if you want to finish that.....

Chairman Pruet: No, go right ahead.

Commissioner Aieta: I need some advice from the Town Planner as to a procedural thing. On the first application that came in tonight, the New Britain Avenue one, Rotundo, I did two field visits to the site and I'm familiar with the site. The first one that I went to, it was raining out and there is a drainage problem on the site. I didn't want to bring it up with the applicant, because it is not his problem, it's really Rotundo's problem, or the property owners problem. What they have there, either something settled or there is something that was not done right from the beginning but they have a catch basin that is supposed to catch the water from that whole parking lot before it runs onto other people's property. What it is, it's set too high, probably set three or four inches too high, so the water is coming off that whole site, and it's missing the catch basin. The catch basin doesn't do anything. It doesn't catch the water so what is happening is that this whole site is draining onto the adjacent property owner's property because the catch basin does not function, and I didn't want to bring it up with the applicant because I don't think it's his, but where do we bring it up so that we get that corrected at some point.

Ed Meehan: This is a good time to let us know, three or four inches too high is a substantial....

Commissioner Aieta: I was there when we had the big rains, and not a drop of water was going into the catch basin, it was all going around the catch basin and it's flowing, sheet flowing across.....

Ed Meehan: They may have blown the grade when they.....

Commissioner Pane: I looked at it too, and it's not three or four inches but it is off and the water is coming around it instead of going in it. It's an easy fix, I think you have to lower it about an inch and take a little bit of the asphalt out and reshape it in, it's not a big deal, but there is a little bit of work involved so that it will work properly.

Ed Meehan: Okay. It's the first that I've heard of it. I can ask the Town Engineer, but in situations like this, if it's a problem that it is causing a nuisance to a neighbor, your drainage going onto your neighbor's property, it's a civil action between the two parties if they can't work it out. Hopefully it won't get to that point, but I will look at the site plan. You have a reduced version in front of you tonight, and we will take a ride down and look at it.

Commissioner Pane: I don't think it was done right to begin with.

Ed Meehan: It might not have been.

Commissioner Aieta: Maybe something settled there or something.

Ed Meehan: It would be better if it settled, unless the frame didn't settle and they didn't compact around the frame and the bituminous went down and the frame stayed up, but we will look at it.

Commissioner Aieta: Okay.

Chairman Pruet: What I would like to mention too is that we have zoning regulations and I would like to, we've been going pretty good lately with the Plan pretty much put to bed, and our meetings aren't that lengthy, I'd like to throw it up to the Commission if you could review, either, whatever you decide, in some kind of format our existing regulations. See if there is anything that we could revise, adjust, modify, delete. I'd like to start that procedure. Just like

a little snapshot, maybe we can fine tune it, make it better, or maybe not do anything to it. So if somebody has some ideas on that, if you concur, we'd like to do that, we could set aside portions of the meeting, or we could look at it in advance and bring your thoughts to the meetings, what are your thoughts on that.

Commissioner Aieta: If I might, you could run it the same way you ran the Plan of Development, we could take certain pages, certain sections like take one section at a time and then have a discussion on that section. If there are no changes, we could go onto the next section. Maybe we could do it that way, or maybe the Commission just would want to read it and come back and say, I don't like this, or what do you think of this, you could do that too. If we did it as a group, going through each section, might be, might get better results, I don't know, it's up to you.

Commissioner Pane: It's not a bad idea going through it. I'd rather put some extra time going over our zoning enforcement. I think, I read the minutes last meeting and, matter of fact, I was going to ask the Chairman whether or not, what the status is on the, one of the Commissioners brought up a problem over on Church Street, and whether or not our enforcement looked at it or not. I think that, I can understand where the Town Planner was coming from last meeting when he didn't want to have the Zoning Enforcement Officer here at every meeting, but it's difficult to bring everything through the Town Planner. I don't think anybody is trying to, Art does a good job, I think he's a nice guy, nobody is trying to slam dunk him or anything, I think he's going a good job. It's just, I think I want to see that he is a little bit more consistent maybe, and I want to be able to get questions answered when we get our report. We got a February report and I've got maybe a half a dozen questions on that, and we just got our March report, and I've got questions that relate to both of those and if I try to relate these questions to Ed, by the time I get the answers back, it just doesn't work. I personally think that maybe our meeting, our schedule should be adjusted a little bit and have our town zoning enforcement officer come in for about an hour so he doesn't have to stick around for the whole meeting so at least he could answer some of our questions. I'll give you just a few examples, on Savers on the turnpike, in February we said that they confirmed that an A-frame was illegal up there, matter of fact, two of them, they said it was all worked out, but it's been there and it's been there and they haven't moved. In March, he says everything is fine. Talks about trailers, a temporary trailer, doesn't even talk about the signs, yet they haven't moved the two A-frame signs since he went there in February, so I mean, that's kind of strange. There's things like that. There's another one, let's see, Dowd Street, they are operating possibly a scrap yard business there. I'd like to know more about this. You know, then there is another one where a residential property he asked them to remove a commercial vehicle. Okay, I'd like to hear about that. Is he being consistent with that throughout the entire town, or did he just act on that one complaint. I want to make sure that we are treating everybody fairly in town. So there are examples like that. There is also, on Francis Street, this problem has been going on since 2003. If we don't get a handle on this you're going to have another National Welding problem just like the property over at National Welding. If they are operating illegally there, since 2003, seven years, it can't take seven years to take care of this problem. It can't.

Ed Meehan: You talking about 174.

Commissioner Pane: Yes. I mean, they can't get in to see it, if they are doing it wrong or what, I'd just like to get an update, you know, maybe Ed can answer some of these questions but I'm sure there are going to be a few things that I would like to address the, Art himself on. There are probably a few other things, comparing the two things, I don't know, that is just my opinion. I thought it would be nice to maybe have just a portion of the meeting, in the

beginning or if we adjusted the meeting, or if we didn't do it twice a month, if we did it once a month, I know the suggestion last meeting was to meet quarterly on this, that is every three months. I've got a problem with meeting every three months to discuss the zoning enforcement because that is, it's getting out of hand. Things are going to get out of hand, and you're not going to get things solved.

Chairman Pruet: Any comments on the items that he mentioned?

Ed Meehan: Well, I do know about Dowd Street, and that is a situation where we are working with the Newington Police Department on that. An absentee landlord rented to someone and the neighbors have been very helpful in calling it to our attention when there are activities going on here. So we are working hand in hand with our police department on that. That could be scrap. As I tried to explain last time, some of this doesn't fall under zoning. If the yard is littered with children's toys and unkempt, and the guy has a couple of gas grills out in the yard, that is not a zoning violation. That may fall under the suggested ordinance of property maintenance that we talked about earlier and what the Town Council will be looking at because that is how you keep your property, but it's not a zoning violation if someone is a sloppy homeowner. What is a zoning violation and what we believe is this situation at this location on Dowd is that on occasions, particularly on weekends, the person who occupies that property is bringing home various appliances and mostly appliances, sometimes other types of metal and he is either cutting them up or breaking them up, and we believe salvaging out of the property which is not permitted in a residential zone. It was cleaned up about a year ago, and then fell into disrepair again, it was cited previously for unregistered motor vehicles, and then those became compliant. Mostly recently it has been cited again for a trailer that looks like it is being used for business purposes and I know the zoning officer, because it is parked in the right of way, has asked the police to take a look at it. Turns out that the trailer doesn't have current plates on it, so it not only could be a violation because it's in the right of way, but could be other issues with that one.

Francis Avenue is a frequent flier with this Commission and staff. It went through our citation officer's process when Mr. Correll was the hearing officer. The fines were paid, it was okay for a while, it's now fallen out of compliance, we've documented the problems to DEP and Motor Vehicles and we've asked Motor Vehicles to consider this an auto recycler, or a parting area which violates their permit, their DMV license as well as ours. We would like to get DMV to do an inspection with us. They really have the hammer more than we do. We're waiting for that to happen. DEP's concern is things flowing off, possibly flowing off the site into the adjacent brook. It definitely is not in compliance. The site plan was specific as to the organization of the property, and nothing outside the gated area and a limited number of cars for display near the front entrance which is not happening. If you go up there, we've taken pictures, we've got the case put together, we've also referred it to the Town Attorney. One option we've looked at and discussed is possibly the Commission bringing it back to public hearing and you, after you put the case on, so to speak, is terminating the special permit. It's just another way to get at the violator. So, the fines are racking up, but DMV is our partner in this and that is who we need to help us out.

Chairman Pruet: How long ago was the DMV inquired?

Ed Meehan: I think they were, probably goes back to December, January on this.

Chairman Pruet: Could we get another, maybe a follow-up.

Ed Meehan: We have an inspector's name over there, and the question is, will they come out and look? I think, you and I talked about possible ways to help that happen. So we can pursue that.

Ed Meehan: Savers, it could be on, some of these folks, particularly with signs could be on here one month and they could be compliant and might not be on the next month, or they could have been cited and they then took out a temporary permit for twenty days.

Commissioner Pane: Yeah, but it's been up since 2/24. It hasn't come down.

Ed Meehan: The signs, you're saying, but they could have taken out a, oh, okay I see what you are saying.

Commissioner Pane: A twenty day permit, it's been up longer than twenty days.

Ed Meehan: All right, these are the ones on the sides of the Berlin Turnpike.

Commissioner Pane: Yes, the A-frame signs there.

Ed Meehan: I'll find out the answer there.

Commissioner Pane: What about Church Street?

Ed Meehan: I believe the address that I think was inspected the day after it was mentioned was 419 Church. They did have, I was told they had a roll-off on the site, and as of yesterday the roll-off was gone, there was a box truck there. The zoning officer talked to the property owner. From what I recall because it was called to my attention to also take a look at it, seems to be some sort of an addition or some work being done on a deck in back. That's why the roll-off was there. The roll-off has been removed, that's why it's not on your March list. So we have reformatted the report. I think that sometimes it was misleading when we provided you with chronology of some of these cases showing up, because some of these people are the same violators. If you scan the March report, you will recognize many businesses in town that are frequently in violation because of the signs they put out. I mean, you could drive around, particularly the Berlin Turnpike and sometimes the town center and do a sweep of sign violations on a daily basis.

Commissioner Anest left the meeting at 7:50 p.m.

Commissioner Pane: The other concern that I would have is, are they, the signage, are we being consistent with the signage for small and for large companies in town? Is that going on, because if it is not, it's not fair to go to the same small business and beat him up for an A-frame sign, when you have a larger tax payer doing whatever he wants to do.

Ed Meehan: Well, I think the notices are consistent and there are some franchise businesses in town that are large, and that you will see here frequently. They are food services primarily that run specials and they're not being picked on, they are just frequent violators. So I don't think there is any real mission here to single anyone business out. Sometimes it's done in clusters if they are on the Berlin Turnpike, you will hit that, that day. If they are over on New Britain Avenue near Maple Hill, that commercial area, they'll get noticed, but we don't do a vigilante approach on one business versus another one. For the most part, as you see, these zoning violations are pretty tempo in nature. The sign here is gone, the car is gone, we don't see any major zoning violations other than Francis Avenue right now. It's almost at the point where it is being scoffed at. Where someone is putting in sheds and businesses and violating use permits, or substantially violating side yard setbacks, the real basic functional requirements of zoning. These are more operational type things. Pretty much a nuisance to try to catch because, I'll give you an example. You can drive into O'Neil Plaza and one day it will be clean as a whistle, the next day, there will be three or four signs out there. You can go

visit one of our Dunkin Donuts, and the street banners will be out flapping on the Berlin Turnpike at one, and they won't be at another one. The businesses will call the zoning officer and report a competitor getting away with it.

Commissioner Pane: Well, I had some come to me and say, it seems like we are getting attacked and the big box stores are not getting attacked at all. That's why I bring it up, Ed.

Ed Meehan: Sometimes the box stores, I don't know which ones you are referring to, are easier to deal with, because you can talk to a manager, and they will come around to do it then, than the routine smaller businesses, they are all struggling, they are all trying to get their clients in to take notice of their businesses, are very cavalier about it. But none of these are life safety issues, thank goodness, but I know that they bother Commission members and we're going to keep working away at it. Sometimes the business community needs to do their part too. I think our sign regulations for example, are fairly liberal compared to many communities in the Greater Hartford area. If there is an urgent need to do a special sale, that is provided for in the regulations. One of the food vendors on the Berlin Turnpike was here back in, I think it was February, and he was looking for an extension on the twenty days, he may be back looking for that. The Chairman mentioned possible zoning changes, and I talked to him last week, he may be sending a letter. This is Doogies, the hot dog place and he's been very cooperative. He used to be one of our more ardent marketers on the turnpike, but he's made some good suggestions and I said, the way to do that is to bring that before the Commission and get the zoning regulations amended, if the Commission feels that way. He's looking for very liberal signage, days of year, and so forth, but that is something that would have to be brought before you as policy makers. So, if you want to change the regulations and open them up more, that is something that can be discussed. I think it's opening Pandora's box though. We have a hard enough time with the regulations the way that they are without, I mean, I want to be business friendly but I'll say this again, some times the businesses have to help us keep the town clean.

Commissioner Pane: I agree, thank you very much and I appreciate the report but I still think that having the zoning enforcement officer here so we can get some comments from him, talk to him a little bit, directly on a few of these other things, it would be helpful, maybe the meeting could be adjusted. I would also like to just state I have heard good things about our Building Inspector, Doug, concerning the hotel project up there. He's right on top of things over there, so that is good to hear. I know that it is a tough project over there, very tough, and I know that he has had a hard time there, but I hear that he's doing a good job.

Commissioner Hall: Is that Holiday Express?

Commissioner Pane: Yes.

Commissioner Hall: Because that is what I was going to bring up. I've had a lot of complaints about that and also that thing over on.....

Commissioner Aieta: What kind of complaints?

Commissioner Hall: The mound of dirt is there, it's been under construction for two years, when are they ever going to finish it, it looks like blazes. And then, the thing on Culver Street, Deming St, with the trucks coming out and the dirt everywhere and now they have planted trees. I would think that would be the last thing that would happen usually.

Commissioner Aieta: Where is this? What side is this?

Commissioner Hall: The age restricted, over 55.

Chairman Pruett: The seventeen homes.

Ed Meehan: The Town Engineer was down, one day they tracked a substantial amount of mud, from the site, out Deming, Griswoldville,

Commissioner Pane: Across the highway.....

Ed Meehan: Up to Alumni Road, that's where they were tracking it, back and forth.

Commissioner Hall: It was easy to follow, that was a good thing.

Ed Meehan: I won't go into who it was because I think a lot of people on the Commission know the operator there. He was requested to beef up his anti-tracking mats, actually have his drivers get out of the truck and knock off stuff on the helper wheels and stuff, and he put a sweeper on the road. I won't say it's a legitimate sweeper in our opinion, it's not a street sweeper, I think it was a payloador with a brush in front. It got under control and they stopped hauling and the property on Alumni which we wanted to know what happens at the other end of the job, is in good shape. The silt fence is still up and the site up there hasn't been a problem, but that is where the material was coming and going from.

Commissioner Aieta: That site there is used as someone's construction storage yard. You don't need fifteen bulldozers, thirty oil trucks.....

Ed Meehan: This gentleman has a lot of equipment, but they are also actually building a road in there. If you go in, you will see the catch basins, stones.....

Commissioner Aieta: But he hasn't been building that road all winter long.

Ed Meehan: No....

Commissioner Aieta: He was using it to store his equipment on.

Ed Meehan: They took a lot of poor material out. There was a violation going back, I don't have all of the details, where they were bringing in millings and chunks of bituminous which is now being pulled out as well as material that is not going to pass building department inspections for load bearing. So that was coming out, new material was being brought in. They are trying to move fast to get the road in with utilities.

Commissioner Hall: Are they finally going to admit that they are going to have a pond on the premises?

Ed Meehan: We believe that there is an active spring.

Commissioner Hall: Exactly, that is what we have been telling them for two years, and they said no, they had capped it and it was perfectly fine and that was going to be somebody's back yard.

Commissioner Pane: There was no water in that pond until they started, and now there is water staying there.

Commissioner Hall: There has been for three months.

Ed Meehan: That's, they have to show the Building Inspector that they have good footing material.....

Commissioner Pane: It's supposed to be a detention area, not a pond, right?

Ed Meehan: Well, the detention area that is there now is temporary, the red house that is further on the bend, which was also a zoning violation at one time because of the cars and other junk in the yard, is coming down, and that little stream that goes through, the Conservation Commission as part of their wetland permit, approved switching, moving the stream southerly in the creation of a new wetland area, which would be bordering the north boundary of the driving range, so that is a temporary settling basin that is there now, and the purpose of doing that, the Conservation Commission picked up a little bit larger wetland. The spring is further up the site, and that's one of the things that our building department has got to keep their eye on. The arborvitae and the berm are something that showed up this past week.

Commissioner Hall: Well, the berm was always there because they explained to us that there was going to be a berm. I thought it was going to be a little higher than it actually is, but to plant those trees before they even start construction over there, how many times do they want to plant those trees, because they will get knocked off with the construction and

Ed Meehan: Hopefully they have a plan. They did remove, the Town Engineer was down, a little more information, as you can see, they graded out almost all the way to Griswoldville, there's a berm that comes over. There were numerous dead trees in there, that with inspection, they were given permission to remove, but there is also a planting plan, to replant that berm so that there will be some buffer restored between Walgreen's and the site. That is shown on the site plan that was approved.

Chairman Pruet: I think they are working on that today.

Ed Meehan: They rough graded it, they are probably fine tuning it.

Chairman Pruet: Let's just get back, any other thoughts as to what Domenic said about the zoning enforcement, any other ideas or comments?

Commissioner Aieta: Would it be a problem to have the zoning enforcement officer come here once a month, an hour at the beginning of the meeting?

Chairman Pruet: Yeah, I discussed that with Ed and yes, that is a good possibility we can do that, not every meeting, but maybe.....

Commissioner Aieta: No, we don't need him here all the time, if he came in once and we got some control over some of this stuff, maybe he doesn't have to come the next month, could come the month after. We're not telling him he has to be here just to have him sit around. We have questions and stuff, I think.....

Commissioner Pane: We don't want to waste his time.

Commissioner Aieta: He's doing a good job, under the circumstances, I mean, this is a tough job and the same people keep doing the same things, over and over and over and over again.

Commissioner Pane: Maybe some of the problems that he could tell us about, maybe we could give him some insight on how to take care of it.

Chairman Pruett: Better understand it.

Commissioner Pane: Better understand it so that it doesn't happen again.

Chairman Pruett: Yeah, I think it would be good to bring in Art, or whomever.....

Ed Meehan: I think it would be educational, and we'll do it together, for the Commission members to understand the legal process the zoning officers have to file and follow under the statutes, whether it's a cease and desist process or our citation ordinance. Notice, opportunities for compliance, hearing, it's quite a rubric that we have to follow. Ninety-nine percent of the time, we try, I know that Art tries to do it as a courtesy and get cooperation up front, because once you go past the seventy-two hours and into a ten day notice with a fine, you might as well, then you are at loggerheads. A lot of people say, we didn't know it, we didn't know we were in violation but most of the businesses in town, that you see on this list, they know it. And they are doing it because they don't think they are going to get caught or because the economy is bad and this is going to help.

Commissioner Pane: Would that be under Executive Session or.....

Ed Meehan: It shouldn't be. Only would be appropriate under executive session if there was an on-going legal case. It could be done under your Remarks or under my Staff Report.

Chairman Pruett: We can alter the schedule too, to put him on first. If there are any other thoughts about reviewing the zoning regulations. I even thought about maybe a sub-committee, some volunteers who would like to work on it, rather than everybody and then report to the Commission, something of that nature, if you can think about it, let me know what your thoughts are, and we can do something along that line.

Commissioner Pane: Yeah, maybe we can do something like that. We'll know, in a couple of meetings, we'll know next meeting how things go with the 2020 Plan, and we'll be done with that, and then get a handle on the zoning, and then maybe we can look at the regulations. I'm open for that.

Chairman Pruett: Any other remarks by Commissioners?

XI. STAFF REPORT

A. Request for Bond Release – 2369 Berlin Turnpike, Dunkin Donuts.

Ed Meehan: There is a request for a Bond Release from the property owner of the new Dunkin Donuts on the Berlin Turnpike. The draft suggested motion for the Commission, I can discuss that if you wish.

Chairman Pruett: Sure.

Ed Meehan: The site was inspected by myself and the Town Engineer. It was held, the full release was held last fall because there were a couple spots of fairly significant erosion on that steep slope, the embankment behind the drive through window. The property owner made a good effort to correct them. For the most part, they survived the winter, I'll say. There wasn't any major blow outs or erosion, even in the past heavy storm a couple of

Fridays ago, one of them was in pretty good shape, the other one looked like it had some gullies starting to appear and so when we looked at it, the Town Engineer and I felt that seeing the growing season, the bond could be released but we would like the property owner to go back and dress up some of the gullies with top soil and seed it while it was still in the growing season. The hay bales that were staked into the slope are doing their job but the soil quality is poor.

Commissioner Pane: They need to be removed probably, for sight, right?

Ed Meehan: Well, I think if they take them out now they will open up a water course. There are hay bales up on top, below the ledge and they jammed some hay bales apparently last fall, right into the deep erosion areas. I think that a part of it, the one that we are recommending be reseeded, it's just poor soil quality. It's mostly rock. So, that is the reason that it is on your agenda, with the caveat that we will wait a couple of weeks, well, more than a couple of weeks, another month, just to get it seeded, germinated, and we would release the \$2500.

Commissioner Aieta: So you are not going to release it now, until you are satisfied that the gully is fixed.

Ed Meehan: Yeah.

Commissioner Aieta: This property owner has been pretty good with you, right? He doesn't want the gullies there either.

Ed Meehan: No, it causes problems because it runs down, initially it was a tough site because of the slope there, and there was a lot of mud at the drive though window, and a lot of mud and silt getting into the drainage system, which causes problems further down the line. So, last fall he did a good job in getting it stabilized for the winter but I think it needs to be touched up a little bit, so going forward the site is stabilized.

**2369 Berlin Turnpike
Dunkin Donuts – Bond Release**

Commissioner Pane moved that the site bond balance of \$2500 be released upon the completion of loam, seeding and stabilization of the erosion gully to the satisfaction of the Town Engineer.

The motion as seconded by Commissioner Casasanta. The vote was unanimously in favor of the motion, with six voting YES.

Commissioner Hall: Dave, I have a question. I know I'm getting senile, I admit that, but did we know that that place was going to be open twenty-four hours? I thought that they came to us with limited hours.

Commissioner Aieta: Which place is that?

Commissioner Hall: It's the one on the Berlin Turnpike, this one.

Commissioner Aieta: The Dunkin Donut?

Commissioner Hall: Yes, it's open twenty-four hours and I didn't remember that that was.....

Commissioner Pane: Is it just the drive through that is open twenty-four hours?

Commissioner Hall: I don't know, I just know that it is open twenty-four hours, doesn't matter.

Ed Meehan: They have a sign in the window now.

Commissioner Hall: Yeah, open 24 hours.

Ed Meehan: I don't recall if there were any limitations on the hours.

Commissioner Hall: That's what I'm saying, I don't remember either.

Ed Meehan: The Dunkin Donuts in the southbound lane that abuts to.....

Commissioner Hall: USA Motel?

Ed Meehan: Yes, and there are some residences back there, I think there were limitations on that as far as the drive through because of the speaker box being annoying, but I'm not sure about this one.

Commissioner Hall: I know that we always ask what the hours of operation are and I don't remember that the answer was twenty-four hours.

Chairman Pruet: I don't either.

Commissioner Hall: I think it was midnight or one o'clock or whatever and now all of a sudden, it's twenty-four hours.

Ed Meehan: I'll go back and check it.

Chairman Pruet: Anything else in staff report, Ed?

Ed Meehan: I have two items, one is a request from a business here in town who is looking into the upgrading of our signage, ground signage. I just want to speak generically about this because I do expect they will be coming back to the Commission to apply for a special exception for a sign. The question that came to me, we were helping them figure out their square footage for the ground sign and calculation of that, was, could they have an electronic reader board? And then, what constitutes an electronic reader board, is it, does it change every week, does it change once a month, does it change every day.....

Commissioner Pane: Let them go to the Town Manager's office. All signing is done through the town manager's office now.

Ed Meehan: So I didn't want to misinform the applicant because they were going to commission a design, so I said that I would like to discuss it with the Commission and my impression, I try to help interrupt the regulations, but in the end it's up to the Commission to interrupt the regulations, my sense is, whether it rotates once a day or five times a month, or spring, winter, fall, if it is an electronically digital sign that is being remotely operated by a computer console someplace, which is not copasetic with the regulations at this point in time, but I told the business I would get your feedback and relay it to them and they could take it under advisement and decide how they want to design their sign. So that is sort of what I'm putting on the table, I guess.

Commissioner Pane: I think you read it right, I think you read the regulations correctly.

Commissioner Aieta: Unfortunately everybody points to well, how come the drug store has it on the turnpike, we want it too, but that was a case where the Commission, the former Commission made a mistake and we're not going to regulate signage based on mistakes that we made in the past. I mean the regulations are cut and dry, pretty clear that that type of sign is not allowed, electronic signs are not allowed. Unfortunately we have one at the high school, that was not allowed but we went through that right with the Town Manager and the Council and we lost that fight, and it's just what Cathy had said at the meeting, you're opening up this thing and it's not even a year and people are coming in and asking for the same thing. If they want to come in and present it, I don't know, they can't even come in and present it because it is not allowed, how do you present something that is not allowed.

Ed Meehan: Well, you can present it when it's not allowed and get denied or you can come in with a petition to amend the regulations.

Commissioner Aieta: That is their option to do that, but the way that it stands now, through the zoning regulations, it's not allowed signage. If someone wants to petition to change the signing regulations, that is their constitutional right to do that.

Commissioner Pane: Since you brought that sign up, what are the rules on the one at the high school. I mean, wasn't it supposed to not turn over real fast, I thought that they said, oh, we're going to leave it for....it won't turnover real fast.....

Ed Meehan: I stay out of that.

Commissioner Hall: That's right, we knew this was going to happen.

Commissioner Pane: It's rolling over.....

Commissioner Hall: Whenever they feel like it.

Commissioner Pane: Whenever they feel like it and five or six times, I mean, they said that there were going to be some restrictions on that, as a matter of fact, the Town Manager said.....

Commissioner Hall: That was stroking....

Commissioner Pane: As a matter of fact, the sign that is there is so blurry, I don't think it's my eyes, I know my eyes are going bad, but the sign is so blurry there, I mean, have you seen it? Isn't it blurry or is it just me or....

Commissioner Hall: It defuses, when you have it that big, it defuses, if the pixel was smaller it would be more defined.

Ed Meehan: It's not as sharp as I thought it would be, I don't mean that as a compliment, either, but I do not get involved in that exercise. But I can give feedback to this business, I'm sure they will take it in a positive way, they do want to do a brand new sign and carry on from there.

Chairman Pruet: In your professional opinion, as our Town Planner, are there provisions to work around that beside amending the regulations. I mean, I've got the regulations here and....

Ed Meehan: If you read it, it's pretty straight forward and it gives an example of time and temperature being the exception. My recommendation to the Commission is, if you are going to make this a permissive type special exception, then you need to really have a good definition and clearly written regulations because the technology of advertising and the type of signage that we used to see years ago with a scrolling sign, a rolling sign, now you have stadium type signage that looks like flip cards, you have exposed neon that is very bright, and moving.....

Commissioner Hall: Some of the signs are beautiful, but they do not belong on the roadside of this town.

Ed Meehan: That is where your quality, subjective quality opinion come to bear on this. Do you want to see that because of these signs are pretty nice, but do you want them you know, in the town center or on the Berlin turnpike.

Commissioner Lenares: What page is that, Dom, do you know?

Commissioner Pane: It's page 56, Section 6.2.1. E, "No flashing, running or rotating signs shall be permitted except signs telling the time and/or temperature/ means of light, white intermediate lighting, not red, providing that the largest dimensions of such a sign does not exceed six square feet."

Chairman Pruet: And under G, too, it says, no illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones.

Commissioner Aieta: Then that should have stopped the sign right there, that should have stopped the sign at the high school because it's in a residential zone.

Commissioner Pane: Could you repeat that Frank, because I want to make sure that the Town Manager hears this.

Commissioner Aieta: Read the section again, Dave.

Chairman Pruet: Okay, part G, page 56, "no illuminated sign shall be lighted or placed so as to provide glare or blinding effects upon automotive traffic or adjoining residential zones; nor shall such sign diminish or detract from the effectiveness of any traffic signal."

Commissioner Aieta: So, under those requirements the sign at the high school is so illegal it's unbelievable because number one, it's right across the street from a residential zone and number two, it's distracting to drivers that drive by there that are craning their necks to try to read when the next musical is going to be at the high school.

Chairman Pruet: Okay, any other comments on what Ed had to say on the, or recommend for the business.

Commissioner Pane: Mr. Chairman, this is one of the topics that I had on the town plan of development. Is it our responsibility to go over signage? Is signage in our regulations for private property?

Ed Meehan: Yes.

Commissioner Pane: But for town property, do we regulate it too?

Ed Meehan: No. The genesis of that goes back to.....

Commissioner Pane: Don't we have specifications in here for signs on town property?

Ed Meehan: Except that there was an ordinance passed pursuant to state statute, it's in the preamble of your regulations, back in the seventies, I think. Where the town exempted itself from.....

Commissioner Pane: I understand all of that.

Commissioner Hall: All of this was brought up during the time of that sign.....

Ed Meehan: We could go back to the Town Council and ask them to rescind that ordinance, a lot of communities in smaller towns, that I'm aware of, and I could find out from CCROG, the twenty-six, twenty-nine towns that CCROG has, don't exempt themselves from zoning. If they had a development like a field house, they would put that development through a full site plan review, here we have a courtesy look and the town boards and commissions are cooperative, and they give you a courtesy look, but that's all you get.

Commissioner Pane: I understand that, and over the past X amount of years, this board has gotten the courtesy look, we've made recommendations, and they have always followed the recommendations, until that sign.

Ed Meehan: I have one more item. We've been, the Town Engineer, Tony Ferraro and I have been catching up on a lot of bonds this time of year and we have been working with the developer of Waverly Drive, Sunset subdivision, Mr. Pat Snow. He's looking for some bond reduction. We're running into the same problem that we ran into over on Rockledge, with this issue of trees. You know, each lot is supposed to have two street trees and apparently as he is telling it, some of his purchasers don't want trees. I think it's ten or eleven lots, almost half of the development. So the last time this came up on Rockledge we went around in a circle with it for a while and I think it was the Town Attorney Steve Nassau said the way to handle it would be get a letter from each of the owners saying that they don't want trees, it's their property and make sure that Mr. Snow verifies that, may have to get them notarized and then take the bond money, which is about nine hundred dollars per lot. Under the bond obligation the town is supposed to make an effort to go plant the trees at that time, but private property won't let us on, we just keep going around in circles.

Commissioner Pane: This is a mistake, this should all have been taken care of before c.o.'s and everything. You know, when I had a development, I had the same thing where people didn't want the trees but the town made me put all the trees in and they wouldn't give c.o.'s on the houses until the trees were in and everything was done properly. I don't understand why it didn't get taken care of properly. This is something, this is a perfect example of, and it's probably gone on over at the other site where he developed too, and what about the two houses over there that Rocky built? Are they getting street trees?

Ed Meehan: They are under bond still.

Commissioner Pane: But they are in the house and now I heard that they don't want them either.

Ed Meehan: We'll take the money then, but the point that I'm trying ask the question and get direction on is, we can require the trees to be put on the property, and they could be there for a week or two and they could be removed by the property owner but at least the requirement

of the subdivision regulations have been met. That's the blunt option that we have. Okay, the trees have to go in, and you have to follow the process of getting a tree on that rocky property which is a trick in itself, but no reason not to do it, because there are houses that have done it there and it's one of the loose ends of this development. So, I'm just reminding the Commission on how it was handled at Rockledge. It did necessitate property owners to sign off, but if that is not the route that the board wants to follow, I'll go back and tell the developer that he has to work with his people who bought lots from him, and he is obligated under the bond to put the trees in. This season, not July or August.

Commissioner Pane: Some people didn't want them right in the middle of the lots, so what we did was we put them on the property lines instead so it gave some balance on the property lines, but the most important thing is figuring out what went wrong so that doesn't happen again, to the next development that they can just, this doesn't happen that we don't have this problem again because something is wrong with the procedure here. Get the trees in or they don't get the c.o.'s on a house, or whatever. That is basically your.....

Ed Meehan: Well, sometimes all the stars don't line up, Domenic.....

Commissioner Pane: I understand.....

Ed Meehan: They are looking for a c.o. in December and.....

Commissioner Pane: Ed, but still, how long has that been developed and he didn't put them in to begin with.

Ed Meehan: Well, it's sort of unique to this developer who has a way of.....

Commissioner Pane: He puts it in the deeds, I understand.

Ed Meehan: In the sales contract and the deeds and things are priced, if you have a sidewalk on your side of the street, you get a little extra charge because he is being charged for the sidewalk, it's a very unusual purchase/sales agreement and I don't want to have the town get in the middle of it. I mean, I would prefer to tell the developer you're sitting on ten thousand dollars in your bond that we are not going to release until you have the trees put in and the trees need to be put in, I would say probably before May 15th.

Chairman Pruet: So you are putting the onus on him.

Ed Meehan: Yeah, that's where it belongs. I became the tree manager down at Rockledge, you know, that was meeting all the neighbors down there, figuring where to put the trees and it's very time consuming.

Chairman Pruet: Well, that's the option, you put them in or you forfeit the ten thousand dollars bond.

Ed Meehan: I'll give you another example, well, you guys know, take a ride up Barn Hill, right now, the development is what, ten years old, the trees have matured, there is a canopy of street trees being developed. That was an old farm without a lick of trees up there, some Christmas trees up the top that Mr. Peckham had, but now it's a nice neighborhood because we had a developer who worked with the staff and followed the regulations.

Commissioner Pane: In front of Hops was real nice too, and then they took down a couple of the street trees there.

Ed Meehan: Hops?

Commissioner Pane: The old Hops.

Ed Meehan: On the Berlin Turnpike?

Commissioner Pane: Yes.

Ed Meehan: When did they take the trees down?

Commissioner Pane: Just recently.

Ed Meehan: I didn't know that. They could have just raised the canopy and.....

Commissioner Pane: They really didn't need to come down. They kind of ruined it. Before we adjourn, could we just get an update on the Open Space Committee from the Town Planner?

Ed Meehan: Open space committee has met with the Town Council and they are in negotiations with getting some open space possibly for part of Cedar Mountain and at this point, because it was discussed in Executive Session I cannot share with you the details, it's still on-going. Also working through Representative Nafis' office to try to get the westerly ridge line of Cedarcrest Hospital set aside, it's about forty acres which, heard the bill was out of committee which is a positive sign.

Chairman Pruet: Also Senator Doyle is working on that too.

Ed Meehan: Paul Doyle is working on that. They contacted the major property owner up there, Balf and invited Balf representatives to come to one of their meetings, to discuss where the town and the Balf Company could work together, particularly on the scenic overlook which is the real gem up there, is that piece of property that is very steep and Balf did respond to Mr. Bowen who is Chairman of the Committee and said, give them a couple of months and they will schedule a meeting, so that's where they are right now.

Commissioner Pane: Thank you.

Chairman Pruet: Any nibbles from Mr. Frisbie? Any news from Hunter?

Ed Meehan: No, last time we talked to Mr. Frisbie was in early January and he was hoping to start something in March.

XII. ADJOURNMENT

Commissioner Aieta moved to adjourn the meeting. The motion was seconded by Commissioner Pane. The meeting was adjourned at 8:25 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary

